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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,767	02/09/2005	Josef Laumen	03869.105887	2866

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EXAMINER	
DIVECHA, KAMAL B	
ART UNIT	PAPER NUMBER
2451	

NOTIFICATION DATE	DELIVERY MODE
11/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/520,767	LAUMEN ET AL.	
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *39-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *39-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to communications filed 8/9/2010.

Claims 39-62 are pending in this application.

Claims 1-38 were cancelled previously.

Response to Arguments

Applicant's arguments filed in the communication have been fully considered but they are not persuasive.

In the communications filed, applicant argues in substance that:

a. The proposed combination of Fenton does not teach transmitting, via an interface connecting the first and second message service provider, a confirmation message from the second message service provider addressed directly to the specific network element of the first message service provider as identified by the first header field (remarks, pg. 8).

In response to argument [a], Examiner respectfully disagrees.

Initially, applicant acknowledges that Mugica discloses the use of two well-known types of acknowledgement messages: 1) a next-node ack and 2) an endpoint ack, however argues that none of these types of ack messages satisfies the clear claim language.

First, applicant argues that neither ACK0 nor ACK1 is addressed directly to the specific network element of the first message service provider, which was involved in the processing the message. In contrast, ACK0 and ACK1 are both clearly addressed to the originating node, network end node 34. Applicant further asserts that: "had Mugica disclosed an ack sent to an

intermediate node in the transmission chain, then the disclosure would at least be potentially relevant to the present claims...."

Independent claim 1 recites:

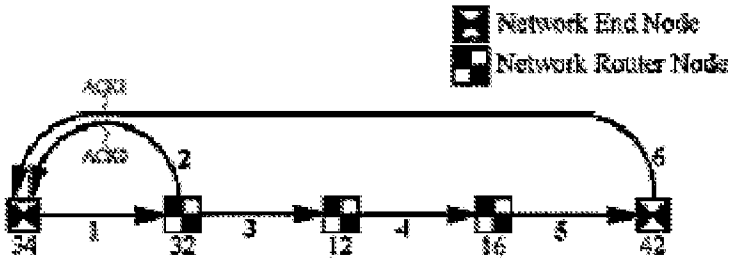
> "A method for transmission of messages, comprising:
> transmitting a message from a first message service provider…
> evaluating…
> transmitting, via an interface connecting the firs and second message service provider, a confirmation message from the second message service provider addressed directly..."

First, it is unclear why and how "had Mugica disclosed an ack sent to an intermediate node in the transmission chain, then the disclosure would at least be potentially relevant to the present claims".

The claim merely discloses two service providers. The claim does not disclose any intermediate nodes.

Secondly, applicant acknowledges that Mugica discloses an acknowledgement thats being sent to the originating node 34 from node 32 as set forth above and as evidenced in fig. 5A, which is reproduced herein.

Fig 5A



This ACK0 is sent directly to the originating node 34 that originated the message for which the ACK are being sent, as evident in the fig. 5A.

The ACK1 is also directly sent to the originating node 34 that originated the message for which the ACKs are being sent.

As such, Mugica clearly discloses transmitting and/or sending the confirmation message, i.e. acknowledgement message, directly to the specific network element such as node 34 in fig. 5A of the first message service provider, which was involved in processing the message, i.e. which was involved in sending, transmitting and/or forwarding the message.

b. Second, Mugica does not disclose the presence of an interface connecting a first and second message provider through which the directly addressed message is transmitted (remarks, pg. 9).

In response to argument [b], Examiner respectfully disagrees.

First, Fenton discloses the first service provider and second service provider connected to each other directly via MMCA and MMCB. MMCA and MMCB are network devices comprising the network interface that connects the two service providers for communication purposes.

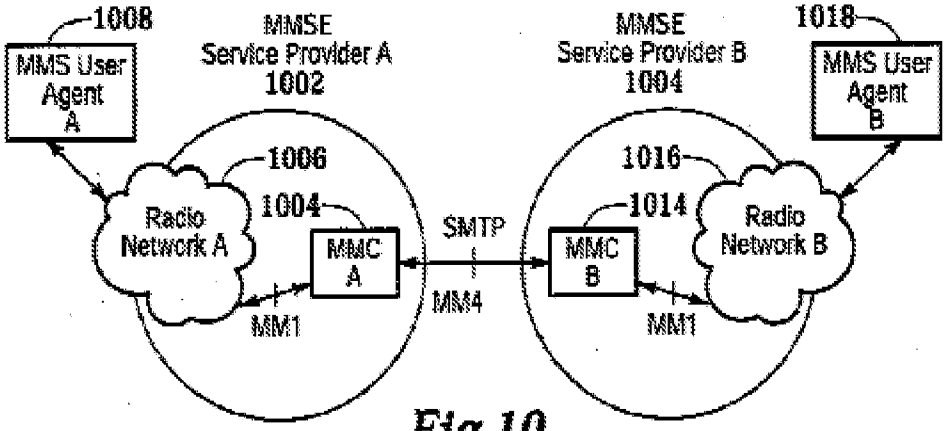


Fig.10

Secondly, Mugica discloses sending an ACK0 from node 32 directly to node 34. These nodes are network devices comprising the network interface that enables them to receive data packets and send response packets.

As such, Mugica explicitly discloses an interface connecting a first and second message provider through which the directly addressed message is transmitted.

For the at least these reasons, the arguments are considered not persuasive and the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 39-62 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Fenton et al. (hereinafter Fenton, US 2003/0193967 A1) in view of in view of Mugica et al. (US 2005/0129022 A1).

Referring to claim 39,

Fenton teaches a method for transmission of messages, comprising:

transmitting a message from a first message service provider to a second message service provider (Figs. 10 and 11), and

evaluating the message at the second message service provider (para. [0099]),

Keeping in mind the teachings of Fenton in para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118], Fenton fails to teach "wherein the message contains at least a first header field which includes a reference to a specific network element of network which was involved in processing the message and

transmitting, via an interface connecting the first and second message service provider, a confirmation message from the second network directly, to the specific network element of the first message service provider as identified by the first header field.

Mugica teaches:

"wherein the message contains at least a first header field which includes a reference to a specific network element of network which was involved in processing the message and

evaluating the message at the second message service provider, and

transmitting, via an interface connecting the first and second message service provider, a confirmation message from the second network addressed directly to the specific network element of the first service provider as identified by the first header field (para. [0081]-[0084], Fig. 5A, "ACK0")

Therefore, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Mugica to the MMS Relay/Servers of Fenton would have yielded predicable results and resulted in an improved system, namely, a system that would have direct the Acknowledge (ACK) communications (device-device) service when it is desired that responses be sent back from a destination node to a source node to acknowledge receipt of a packet (**See KSR International Co. v. Teleflex Inc.**, 550 U.S. ___,___, 82 USPQ2d 1385, 1395-97 (2007)).

Referring to claim 40,

Fenton-Mugica teach a method in accordance with Claim 39, further comprising transmitting the message from the second message service provider to a network element outside a service environment with the message containing at least a second header field which features a reference to at least one network element of the second message service provider which was involved in the processing of the message (Fenton para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]; Mugica para. [0081]-[0084]).

Referring to claim 41,

Fenton-Mugica teach a method in accordance with Claim 40, wherein the message, on transmission from the second message service provider to the network element outside a service environment contains the first header field which features a reference to at least one network element of the first message service provider which was involved in the processing of the message (Fenton para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]; Mugica para. [0081]-[0084]).

Referring to claim 42,

Fenton-Mugica teach a method in accordance with Claim 40, further comprising transmitting the message from the network dement outside the service environment back via the second message service provider to the first message service provider, with the reference(s) set from the fast and/or second header field being resolved in each return transmission step (Fenton para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]; Mugica para. [0081]-[0084]).

Referring to claim 43,

Fenton-Mugica teach the method in accordance with Claim 39, wherein the reference further includes a specification of a return path. (Fenton para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]; Mugica para. [0081]-[0084]).

Referring to claim 44,

Fenton-Mugica teach a method in accordance with Claim 39, wherein the transmitted message is evaluated after arrival at the second message service provider from a switching node (Fenton para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]; Mugica para. [0081]-[0084]).

Referring to claim 45,

Fenton-Mugica teach a method in accordance with Claim 39, wherein the functionality of the message is evident from at least one header field (Fenton para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]; Mugica para. [0081]-[0084]).

Referring to claim 46,

Fenton-Mugica teach a method in accordance with Claim 44, wherein the switching node determines, as a function of a header field, to which network element in the second message service provider the message will be relayed (Fenton para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]; Mugica para. [0081]-[0084]).

Referring to claim 47,

Fenton teaches a method in accordance with Claim 41, wherein a switching node is embodied as a self-contained network element (Fig. 11, element 1004 and 1014).

Referring to claim 48,

Fenton teaches a method in accordance with Claim 41, wherein a switching node is integrated into a relaying means (Fig. 11, element 1004 and 1014).

Referring to claim 49,

Claim 49 is a claim to a system for transmission of messages in accordance with the method of claim 39. Therefore claim 49 is rejected for the reasons set forth for claim 39.

Referring to claim 50,

Claim 50 is a claim to a system for transmission of messages in accordance with the method of claim 40. Therefore claim 50 is rejected for the reasons set forth for claim 40.

Referring to claim 51,

Claim 51 is a claim to a system for transmission of messages in accordance with the method of claim 41. Therefore claim 51 is rejected for the reasons set forth for claim 41.

Referring to claim 52,

Claim 52 is a claim to a system for transmission of messages in accordance with the method of claim 42. Therefore claim 52 is rejected for the reasons set forth for claim 42.

Referring to claim 53,

Claim 53 is a claim to a system for transmission of messages in accordance with the method of claim 43. Therefore claim 53 is rejected for the reasons set forth for claim 43.

Referring to claim 54,

Claim 54 is a claim to a system for transmission of messages in accordance with the method of claim 44. Therefore claim 54 is rejected for the reasons set forth for claim 44.

Referring to claim 55,

Claim 55 is a claim to a system for transmission of messages in accordance with the method of claim 45. Therefore claim 55 is rejected for the reasons set forth for claim 45.

Referring to claim 56,

Claim 56 is a claim to a system for transmission of messages in accordance with the method of claim 46. Therefore claim 56 is rejected for the reasons set forth for claim 46.

Referring to claim 57,

Claim 57 is a claim to a system for transmission of messages in accordance with the method of claim 47. Therefore claim 57 is rejected for the reasons set forth for claim 47.

Referring to claim 59,

Fenton teaches a system in accordance with Claim 49, wherein the system includes a mobile radio terminal (Fig 10, elements 1008, 1006, 1018 and 1016).

Referring to claim 60,

Fenton teaches a method in accordance with Claim 39, further including using a mobile radio terminal (Fig 10, elements 1008, 1006, 1018 and 1016).

Referring to claim 61,

Fenton teaches a system in accordance with Claim 49, wherein the system includes a Transceiver (Fig 10, elements 1008, 1006, 1018 and 1016).

Referring to claim 62,

Fenton teaches a method in accordance with Claim 39, further including using a Transceiver (Fig 10, elements 1008, 1006, 1018 and 1016).

Conclusion

The teachings of the prior art should not be restricted and/or limited to the citations by columns and line numbers, as specified in the rejection. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

In the case of amendments, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and support,

for ascertaining the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is (571)272-5863. The examiner can normally be reached on IFP (M-F: 10-6.30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN FOLLANSBEE can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KAMAL B DIVECHA/
Primary Examiner, Art Unit 2451